



TIME TO GIVE

Find out how to donate for the holidays. A8.

HOCKEY

First home games of the season. B1.

WWI 100th

Columnist attends centennial ceremony in France. A5.



Court upholds appeal in murder case

Judge was correct to not test DNA evidence, Court of Appeals rules

By ALEX MCCARTHY
JUNEAU EMPIRE

The Alaska Court of Appeals upheld a ruling this week not to test DNA evi-

dence in an earlier appeal in a grisly Juneau murder case.

On April 6, 1982, Ju-
neau residents James

and Ann Benolken were found dead and sexually assaulted in their Juneau apartment building, ac-
cording to the facts listed

in the court's opinion. Newton Patrick Lambert was sentenced to 99 years in prison for the murder of Ann Benolken but not the murder of James, and co-defendant Emmanuel Telles was acquitted on

both charges. In 2010, the Alaska Leg-
islature enacted Alaska Statute 12.73, that allows a person convicted of a felony against another person can apply to the superior court to test DNA

evidence. Nearly 30 years after the crime for which he was convicted, Lambert filed an appeal, according to the recent opinion.

Lambert's lawyer at the

SEE APPEAL | Page A10

Students work to add Tlingit name to JDHS

Efforts of teens, elders combine as process begins

By ALEX MCCARTHY
JUNEAU EMPIRE

For years, adding a Tlin-
git name to Juneau-Dou-
glas High School has been an idea among students at the school. Now, it's on its way to becoming a reality.

JDHS biology teacher Henry Hopkins said he hears the idea come up year after year among stu-
dents. In his class, Hopkins talks to his students about the original Tlingit names for areas around town, and students often ask why the high school doesn't have a Tlingit name in addition to its current name.

Students became par-
ticularly interested in the idea last year, Hopkins said, when the Tlingit name Sayéik (Spirit Help-
er) was added to Gastin-
eau Community School.

Over the past year or so, students including JDHS senior Arias Hoyle have taken action toward mak-
ing that happen. Hoyle said he got signatures from about 70 students of all backgrounds from around the school who were in fa-
vor of the idea.

From there, Hoyle and his classmates have pre-
sented to the JDHS stu-
dent council, the Douglas Indian Association and the school's site council about



PHOTOS BY MICHAEL PENN | JUNEAU EMPIRE

Above: Senior Arias Hoyle is one of a number of Juneau-Douglas High School students looking to add "Yadaa.at Kalé," the Tlingit name for Mount Juneau, to the high school's name.

Right: JDHS Science Teacher Henry Hopkins, right, talks with Hoyle on Friday.



SEE NAME | Page A10

IN CASE OF EMERGENCY

Red Cross training prepares, unites Southeast volunteers

Organizers hope to pass knowledge to communities around region

By ALEX MCCARTHY
JUNEAU EMPIRE

When Pam Roth sees footage of natural disasters on television, she can't help but want to get involved.

"You can't look at the pic-
tures of the fires and the burnt-out cars and not want to do something," Roth said. "You just can't do it."

Roth, the community volunteer coordinator for the American Red Cross in Ketchikan, was in Juneau this weekend to attend the Southeast Disaster Academy. The three-day training event was for people of all experience levels, looking to prepare and unite volun-
teers from across the region. Southeast Disaster Pro-

gram Manager Andrew Bogar said training that's this comprehensive usually takes place in Anchor-
age, meaning that not many people from Southeast can go. Bogar and other Red Cross leaders around the state worked to get events like this set up all around the state instead of just in the central hub.

"There is an Alaska out-
side of Anchorage," Roth

SEE TRAINING | Page A10



Pam Roth, a community volunteer leader of The American Red Cross in Ketchikan, talks about attending a Southeast Disaster Academy on Friday

MICHAEL PENN
| JUNEAU EMPIRE

TAKE AN
INTEREST IN
OUR TOP-SHELF
CD RATES!



Plus - you can add more money to your Top-Shelf Certificate at any time!

For more information, call 523-4700 or visit our website at www.TrueNorthFCU.org

True North FCU NMLS#440100
Federally Insured by NCUA



TRAINING:

Continued from Page A1

said. “And to Andrew’s credit, there is a Southeast outside of Juneau.” Friday’s class was for people such as Roth who have a decent amount of experience with the organization. Roth was deployed to Virginia and North Carolina this summer to help with Red Cross operations in the wake of Hurricane Florence. Friday’s class was aimed at preparing these experienced volunteers to coordinate and delegate to less-experienced volunteers in disaster scenarios. There were people from Ketchikan, Haines and Sitka there Friday, and Bogar said there are also Red Cross volunteers on Prince of Wales Island and in Petersburg. Even a few hours into the training, Roth found it valuable. “Largely, what I’m really happy about is getting to know my fellow co-workers, my fellow volunteers from Southeast,” Roth said. “It’s kind of interesting, in Alaska in general, geographically we’re so huge and you hear about these people and you might even talk with them on a teleconference, but you just don’t get to put the faces to it.” Preparedness and Case Work Specialist Bridget Thomson coordinates preparedness

exercises around Southeast, helping people prepare and plan for a disaster. She said it’s important to be able to get people this training so they can go out and tell their friends and family. “It’s kind of like a huge ripple effect,” Thomson said. “When you have five people that know more about being prepared, they in turn can teach five more people about building a preparedness kit or just having their families be prepared for whatever that may be.” Bogar and Thomson both said it’s particularly challenging to respond to a disaster in Southeast communities due to how isolated they all are. As Thomson pointed out, it’s not like other cities down the road will send extra ambulances to Juneau in an emergency. People in Juneau will have to address their needs with what’s already here. Thomson said these volunteers can go back to their communities, spread the word and make clear to people how important it is to have supplies set aside and a plan in mind. “It doesn’t need to be this taboo thing. Like, ‘Oh, you have a preparedness kit? What are you preparing for? Doomsday?’ It’s not that. It’s really simple stuff that anybody can do,” Thomson said.



MICHAEL PENN | JUNEAU EMPIRE

Maria Caruso leads a class as The American Red Cross of Alaska hosts a Southeast Disaster Academy at their Juneau office on Friday.



FLIP:

Continued from Page A1

The race for Kawasaki’s old seat in the House appears to remain uncertain. Republican Bart LeBon led Democrat Kathryn Dodge after Election Day, but Dodge took a 10-vote lead after Tuesday’s count. LeBon regained the lead in Friday’s count. He now holds a five-vote advantage. Some votes remain to be counted: Wednesday is the deadline for absentee ballots mailed

from international addresses to arrive in Alaska. If those ballots were postmarked on or before Election Day, they will be counted. In addition, the race is well within the margin for a state-paid recount. After the recount, either candidate could escalate the matter to the Alaska Court System. In 2016, the primary race for House District 40 was decided in such a manner. Democrat Benjamin Nageak was challenged by fellow Democrat Dean Westlake. Westlake led Nageak by four votes after the initial count, then by eight votes after a recount. Su-

perior Court Judge Andrew Guidi overturned that result and awarded the race to Nageak. The Alaska Supreme Court took up a subsequent appeal and declared Westlake the winner. This year’s races in Senate District A and House District 1 have been closely watched because of their wider implications. At the end of Election Day, the former House Republican Minority appeared to control 21 seats in the 40-person Alaska House of Representatives. That’s the bare minimum needed to control the House, and it includes LeBon.

The former coalition majority in the House lost one independent member, Rep. Jason Grenn, I-Anchorage, and one Republican member, Rep. Paul Seaton, R-Homer, on Election Day. Democrats gained no seats held by another party. The 20-member Senate is more firmly in the hands of a Republican-led majority, but if Kelly’s loss is certified, Democrats would hold seven seats in the body. If they join with moderate Republicans, the resulting coalition majority could have enough support to control the chamber.

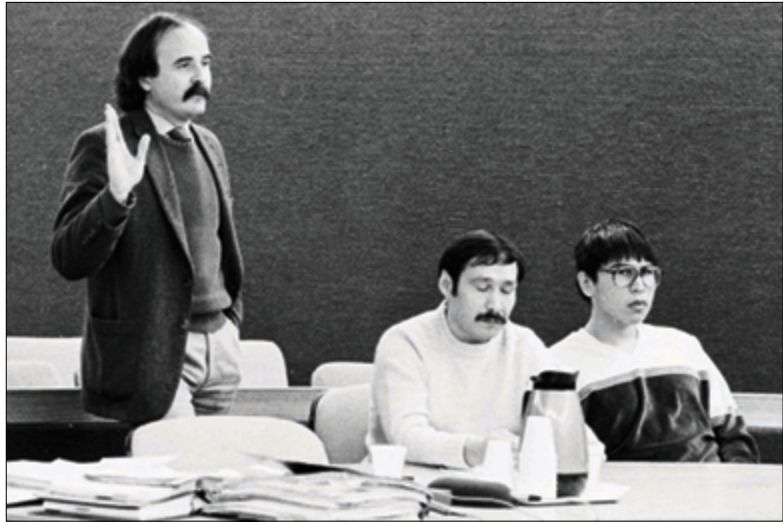


Regional Accu-Vote board member Mel Personett looks at a tally of questioned ballots from a Southeast district at the State of Alaska Election Office in the Mendenhall Mall Annex on Tuesday. MICHAEL PENN | JUNEAU EMPIRE FILE

APPEAL:

Continued from Page A1

time, Jude Pate, found that a lab in California still had samples of blood and semen that had been found on James Benolken’s clothing, according to the Court of Appeals’ opinion this week. Lambert requested that these samples be tested, asserting that the samples could prove his innocence. According to the Court of Appeals, Lambert’s theory that he outlined was that the blood and semen could yield two different DNA profiles. He



Attorney Ray Brown (left) addresses the court as Emmanuel Telles and Newton Lambert listen during their trial for the 1982 murders of James and Ann Benolken. BRIAN WALLACE | JUNEAU EMPIRE FILE

theorized that the semen could have come from the person who sexually assaulted James Benolken, while the blood could have come from the person who killed Ann Ben-

olken. Assistant District Attorney Amy Williams (now Paige) argued that finding this DNA on James Benolken’s body couldn’t prove Lambert’s

innocence because Lambert was acquitted of the murder of James and was found guilty of the murder of Ann, according to the Court of Appeals opinion. In a 2013 ruling, the su-

perior court agreed with the prosecution, ruling that Lambert hadn’t made a convincing enough case to test the DNA. Lambert appealed that ruling, which led to the current Court of Appeals examining that decision and releasing its ruling this week. The Court of Appeals agreed with the superior court that testing DNA on James’ body wouldn’t prove Lambert’s innocence when it came to Ann’s murder, according to its ruling this week. Judge Marjorie Allard wrote in a concurring opinion that the state could still test the DNA if it wanted to. Allard wrote that testing DNA is relatively inexpensive, and that if the state wanted to

test this DNA, it could at least clear up some of the questions surrounding this mysterious murder. “Testing the blood and semen from Mr. Benolken’s clothing has the potential to provide answers to at least some of these questions,” Allard wrote. “Moreover, if the results are matched to DNA profiles in the national FBI database CODIS, the testing could potentially lead to the identification and future prosecution of at least one (if not two) previously unknown perpetrator(s) from this thirty-year-old double homicide.” • Contact reporter Alex McCarthy at 523-2271 or amccarthy@juneauempire.com. Follow him on Twitter at @akmccarthy.

NAME:

Continued from Page A1

the possibility of having a Tlingit name in addition to the current name (a Tlingit name would not replace the current name). All it took, Hoyle said, was somebody taking initiative. “I just happen to have jumped on that wagon before someone else would have,” Hoyle said. “I think that was the most important step. There are a lot of students who wanted it to happen, we just need to execute it politically.” With the help of DIA board member Barbara Cadiente-Nelson — who is the Indian Studies program director for the Juneau School District — members of the DIA board examined names

and one stood out: Yadaa. at Kalé. Yadaa.at Kalé is the name of the face of Mount Juneau, and translates roughly to “beautifully adorned face.” The process of considering names was a joint effort among DIA board members, who are members of both the Auk’w Kwaan and Taku Kwaan. The school rests on land that originally belonged to the Auk’w Kwaan people. With permission from the Auk’w Kwaan tribal leader Rosa Miller, Miller’s daughter Fran Houston said she agreed to gift the name to the students. Houston said the DIA reached out to her about the name and she agreed that Yadaa.at Kalé was the most appropriate name. Houston, who attended JDHS when she was younger, was very pleased to see young people take the reins on this.

“All I know is that the students, this is what they wanted,” Houston said. “And hurrah for them. It’s awesome.” At Tuesday’s Board of Education meeting, Hoyle addressed the board and expressed his hope that the board would include it on its agenda at an upcoming meeting. Board of Education President Brian Holst said in an interview Friday that it will likely appear on the board’s December agenda. The public process will start then, and people will have chances to weigh in before the board decides whether to accept the gift of the name. Holst said the board members wanted to make sure that the school’s site council — a group that includes the principal, teachers, staff and parents — had had enough time to gather feedback from within the JDHS community. JDHS Principal Pau-

la Casperson said Friday that she sent out the idea in a newsletter this summer, and that there was no negative feedback to the idea that she heard. Former DIA board member and Tlingit elder Paul Marks explained that adding a Tlingit name doesn’t take anything away from the school’s current name, but promotes a sense of unity. “I think it would lift the heads and the faces of our children in a way that would not be an arrogant way but in a prideful way, understanding that we are still here,” Marks said. “We don’t want to do it in a way that is detrimental to our children, and it would not be overshadowing anything that’s there already, but that it would be a general togetherness. Not in opposition, but in working together as a people that should work together.” Hopkins said he was

prepared for there to be some opposition to the idea, but there hasn’t been any that he’s seen. “I think we’re in an era where our Native history and Native presence is part of our community,” Hopkins said. “Students grow up aware of Native culture, which was not the case in the past.” Casperson said that she and the other members of the site council were enthusiastically in favor of augmenting the school’s name. She’s been particularly impressed with Hoyle’s tenacity in doing the legwork, talking to the right people and putting in the time to make this become a reality. “I am probably most excited that it came from a group of students,” Casperson said. “The idea that a group of students can work collaboratively and navigate very complex systems to try to get such a significant aug-

mentation, I think adds to their legacy.” Casperson, Hopkins and Hoyle all pointed out that this name augmentation is different from previous ones. The addition of (Sit’ Eeti Shaanáx) to Glacier Valley Elementary, Casperson recalled, wasn’t student-led. The addition of Sayéik to Gastineau Community School was part of a long healing process that stemmed from multiple atrocities — including the burning of the Douglas Indian Village on Douglas and building a road through a Tlingit burial area — that occurred on that spot over the years. Hoyle said adding Yadaa.at Kalé to JDHS is as much about the future as it is about the past. “We didn’t want to do this as kind of just to balance back out the past,” Hoyle said. “It was more to do it for future generations.”